

**Minutes of the Grinnell City Council Meeting
Monday, April 18, 2005**

The City Council of the City of Grinnell met in regular session in the Council Chambers of the Grinnell Community Center, 927 4th Avenue, Grinnell, Iowa, at 7:00 p.m., Monday, April 18, 2005. Mayor Canfield presided.

ROLL CALL: Present: Elliott, McNaul, White, Worley, Wilson, McNaul

PERFECTING AND APPROVAL OF AGENDA:

Moved by WHITE, second by MCNAUL, to approve the Agenda and the Consent Agenda as presented. Roll Call Vote: Ayes: White, McNaul, Witt, Worley, Wilson, Elliott. Motion carried.

CONSENT AGENDA:

- A. Previous minutes as drafted from the Monday, April 4, 2005 Regular Session.
- B. Approval of the Clerk's Report.
- C. Approval of the Treasurer's Report.
- D. Approval of the request by the Grinnell Chamber of Commerce in regard to the Farmer's Market.
- E. Approval of the Class B Liquor License Application submitted by China Sea, 714 4th Avenue.

COMMUNICATIONS/MEETING MINUTES:

- A. Finance Committee: April 4, 2005.
- B. Public Works and Grounds Committee: April 4, 2005.
- C. Planning Committee April 4, 2005.
- D. Human Rights Commission: March 21, 2005.
- E. Recreation Board: April 6, 2005.
- F. Grinnell Renaissance: March 18, 2005.
- G. POW I-80: March 29, 2005.
- H. Stewart Library: March 28, 2005.
- I. Alliant Energy: Rate Case Overview.
- J. Iowa Department of Transportation: Application to Perform Work Within State Right-of-Way (removal of driveway entrance at the new Patriot Bank.)

PUBLIC HEARING:

- A. In regard to the plans, specifications, proposed form of contract, and estimate of cost for construction of the State Street Water Main for the city of Grinnell, Iowa.

Mayor Canfield opened the public hearing at 7:03 pm. Mayor Canfield asked if any comments or objections had been filed prior to the meeting. Hage stated there were none. Canfield requested comments and objections from the citizens present. There were none.

Moved by ELLIOTT, second by WORLEY, to close the public hearing at 7:05 pm. Roll Call Vote: Ayes: Elliott, Worley, Witt, Wilson, McNaul, White. Motion carried

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2765: "A RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST – (STATE STREET WATER MAIN.)" Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson, White, McNaul. Motion carried.

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2766: "A RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT – STATE STREET WATER MAIN." Roll Call Vote: Ayes: Elliott, Witt, White, Wilson, McNaul, Worley. Motion carried.

- B. In regard to the plans, specifications, proposed form of contract, and estimate of cost for the construction of East Arbor Lake Stormwater Separation Project for the city of Grinnell, Iowa.

Mayor Canfield opened the public hearing at 7:06 pm. Mayor Canfield asked if any comments or objections had been filed prior to the meeting. Hage stated there were none. Canfield requested comments and objections from the citizens present. There were none.

Moved by ELLIOTT, second by MCNAUL, to close the public hearing at 7:07 pm. Roll Call Vote: Ayes: Elliott, McNaul, White, Wilson, Worley, Witt. Motion carried

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2767: "A RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST – (EAST ARBOR LAKE STORMWATER SEPARATION PROJECT.)" Roll Call Vote: Elliott, Witt, McNaul, White, Wilson, Worley. Motion carried.

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Resolution No. 2768: "A RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT - EAST ARBOR LAKE STORMWATER SEPARATION PROJECT." Roll Call Vote: Ayes: Elliott, McNaul, Worley, Wilson, White, Witt. Motion carried.

- C. In regard to the plans specifications, proposed form of contract, and estimate of cost, for the construction of (3) wetland areas at Arbor Lake in the city of Grinnell, Iowa.

Mayor Canfield opened the public hearing at 7:08 pm. Mayor Canfield asked if any comments or objections had been filed prior to the meeting. Hage stated there were none. Canfield requested comments and objections from the citizens present. There were none.

Moved by MCNAUL, second by ELLIOTT, to close the public hearing at 7:09 pm. Roll Call Vote: Ayes: McNaul, Elliott, Wilson, White, Worley, Witt. Motion carried

Moved by ELLIOTT, second by WORLEY, to approve and adopt Resolution No. 2769: "A RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE CONSTRUCTION OF THE (3) WETLAND AREAS AT ARBOR LAKE IN THE CITY OF GRINNELL, IOWA." Roll Call Vote: Ayes: Elliott, Witt, Worley Wilson, McNaul, White. Motion carried.

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Resolution No. 2770:

"A RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF (3) WETLAND AREAS." Roll Call Vote: Elliott, McNaul, Witt, Worley, White, Wilson. Motion carried.

- D. In regard to the proposal to re-zone 25.79 acres in the city of Grinnell, Iowa commonly referred to as the Renaud property from R-1 to C-1.

Mayor Canfield opened the public hearing at 7:10 pm. Mayor Canfield asked if any comments or objections had been filed prior to the meeting. Hage stated there were none. Canfield requested comments and objections from the citizens present. There were none.

Worley explained that the Planning Committee reviewed the proposal and recommends that the re-zoning proceed, however exclude the property labeled as Block 2. The committee felt that there was not enough information available to approve the re-zoning at this time. The plat must also preserve right-of-way to provide access to Block 2. It will be included with the plat; however it is platted with the understanding that the right-of-way can be moved if needed.

Moved by WORLEY, second by MCNAUL, to close the public hearing at 7:14 pm. Roll Call Vote: Ayes: Worley, McNaul, Witt, Elliott, Wilson. Nay: White. Motion carried

Moved by MCNAUL, second by WILSON to approve and adopt Resolution No. 2773: "A RESOLUTION APPROVING PRELIMINARY PLAT FOR THE PARCEL COMMONLY KNOWN AS THE WAL-MART PROPERTY." with the inclusion of a 75' right-of-way which extends to block 2 on the plat. Roll Call Vote: Ayes: McNaul, Wilson, Elliott, Witt. Nay: White. Motion carried.

Moved by WORLEY, second by ELLIOTT, that the city staff work with and obtain from the Magnum Development an appropriate financial surety to guarantee that the right-of-way location will be finalized prior to the adoption of the final plat.

Renaud was concerned about requiring the developer having to provide the letter of credit without the council granting the requested re-zoning of block 2. Worley explained the intent the action is to allow flexibility for the placement of the road, however the city must have some guarantee that it will be constructed. Elliott explained that the right-of-way is always required to be included with the preliminary plat even though the re-zoning has not taken place.

Roll Call Vote: Ayes: Worley, Elliott, Witt, Wilson, McNaul. Nay: White. Motion carried.

Moved by WORLEY, second by MCNAUL, to introduce and read Ordinance No. 1249: "AN ORDINANCE AMENDING ORDINANCE NO. 774 BY CHANGING CERTAIN DISTRICTS SHOWN ON THE OFFICIAL ZONING MAP." excluding Block 2 of the property. Roll Call Vote: Ayes: Worley, McNaul, Wilson, Witt, Elliott. Nay: White. Motion carried.

- E. In regard to the proposed vacation and sale of certain city-owned right-of-way in the city of Grinnell, Iowa.

Mayor Canfield opened the public hearing at 7:15 pm. Mayor Canfield asked if any comments or objections had been filed prior to the meeting. Hage stated there were

none. Canfield requested comments and objections from the citizens present. White commented in regard to the sale price of the land and questioned if the council would consider reduced pricing. Gerry Allen – 301 Pearl Street – requested consideration for adjusted pricing due to the limited use of the property because a utility easement will prevent any type of construction on the property. Elliott explained the history of establishing the price for the sale of public land. The city has not historically negotiated the pricing. White felt that the council should consider adjusted pricing as this is a different situation that is greatly impacted by a city easement. Behrens explained that the price is established on a per acre basis. Wilson felt that pricing will vary based on the location of the land and how it will benefit the purchaser. Wilson stated that the limited use of the property does merit consideration. He would support the sale of the land for the amount of \$2,000.00. McNaul felt that if the pricing amount is going to change it needs to be done with an official policy.

Moved by WORLEY, second by MCNAUL, to close the public hearing at 7:24 pm. Roll Call Vote: Ayes: Worley, McNaul, White, Witt, Elliott, Wilson. Motion carried

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Resolution No. 2776: “A RESOLUTION VACATING DEDICATED RIGHT-OF-WAY IN THE CITY OF GRINNELL, IOWA, AND DISPOSING OF SAID VACATED RIGHT-OF-WAY BY QUIT CLAIM DEED TO THE ADJOINING PROPERTY OWNER.” at the city stipulated sale price. Roll Call Vote: Ayes: Elliott, McNaul, White, Worley Witt. Nay: Wilson. Motion carried.

COMMITTEE BUSINESS:

A. Report from the Finance Committee.

- Review of the TIF development agreement – Lang Creek Crossing.

Moved by ELLIOTT, second by WORLEY, to conduct the final reading of Ordinance No. 1247: “AN ORDINANCE AMENDING ORDINANCE NO. 1057 PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED GRINNELL URBAN RENEWAL AREA OF THE CITY OF GRINNELL, COUNTY OF POWESHIEK, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF GRINNELL, COUNTY OF POWESHIEK, GRINNELL-NEWBURG COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES, ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED, INCURRED BY SAID CITY IN CONNECTION WITH THE AMENDED GRINNELL URBAN RENEWAL REDEVELOPMENT PROJECT.” Roll Call Vote: Ayes: Elliott, Worley, White, McNaul, Wilson, Witt. Motion carried.

Moved by WHITE, second by ELLIOTT, to approve execution of the agreement with the required updated attachments.

Linden commented in regard to the \$10,000 fee requested by the city to offset costs associated with the purchase of water connections currently owned by the rural water association. They do not support having to pay for a portion of the purchase of the customer from rural water. He felt that making the developer agree to a fee when the city does not know what the total cost will be is not fair. He requested the provision be

removed from the agreement. Behrens commented in regard to the complexity of how to address the issue. Linden stated that they are comfortable waiting to approve the agreement until the city has resolved the issue. Behrens explained that waiting to resolve the issue will likely mean that Kum and Go will have to be included as a party on the agreement. Witt questioned if the council made any of the provisions by resolution or if any formal agreement was ever signed by the city in regard to rural water. Behrens has requested information and is still waiting for it to be provided. Worley questioned if all other buy out customers would be required to pay their share of the cost back to the city. White explained the other properties would only be responsible for connection fees. Worley summarized that the fee in the development agreement is not associated with Kum and Go, however is due to the developer because of the installation of the main for the development.

Elliott amended the motion to remove the \$10,000.00 fee.

Roll Call Vote: Ayes: Elliott, Worley, White, McNaul, Witt, Wilson. Motion carried.

- Review of the FY06 budget estimates.

White briefly reviewed the estimates. The estimates will officially be approved at a public hearing scheduled for Monday, May 2, 2005 at 7:00 pm.

- Schedule the public hearing in regard the FY 04-05 budget amendment. For May 16, 2005 at 7:00 pm

Moved by WHITE, second by ELLIOTT, to schedule the public hearing in regard the FY 04-05 budget amendment. For May 16, 2005 at 7:00 pm. Roll Call Vote: Ayes: White, Elliott, Wilson, McNaul, Worley, Witt. Motion carried.

- Review of the Iowa Communities Assurance Pool (ICAP) three year renewal.

Moved by WHITE, second by ELLIOTT, to approve the Iowa Communities Assurance Pool (ICAP) three year renewal. Roll Call Vote: Ayes: White, Elliott, Witt, Worley, McNaul, Wilson. Motion carried.

- Review of the FY 2004 audit report prepared by Roland and Dieleman.

Roger Roland presented the FY04 Audit Report to the city council. He highlighted the management summary included with the report and commented that 20% of budget was allocated to Public Safety. Cash values remained the same.

- Review of the policy for preparing meeting agendas.

This item is still under review.

- Review of the requests for assistance from the Campbell Fund.

Elliott thanked the Campbell Fund representatives for their work. The requests were approved as presented.

B. Report from the Public Works and Grounds Committee.

- Review of the Application and Agreement for Use of Highway Right of Way for Utilities Accommodation submitted by Iowa Telecommunication Services.

Moved by ELLIOTT, second by WITT, to approve the Application and Agreement for Use of Highway Right of Way for Utilities Accommodation submitted by Iowa Telecommunication Services. Roll Call Vote: Ayes: Elliott, Witt, McNaul, Wilson, Worley, White. Motion carried.

- Review of the request submitted by Daniel Ogata in regard to Kites Over Grinnell for permission to park on the east side of Penrose Street from 8th to 10th Avenue on May 7, 2005.

Moved by ELLIOTT, second by WHITE, to approve the request submitted by Daniel Ogata in regard to Kites Over Grinnell for permission to park on the east side of Penrose Street from 8th to 10th Avenue on May 7, 2005. Roll Call Vote: Ayes: Elliott, White McNaul, Witt, Wilson, Worley. Motion carried.

- Review of pay request No. 2 for Rasch Construction for work completed on Lang Creek Crossing – Phase 1A.

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Resolution No. 2771: “A RESOLUTION AUTHORIZING PAYMENT OF CONTRACTOR’S PROGRESS PAYMENT NO. 2 IN THE AMOUNT OF \$148,023.39 TO RASCH CONSTRUCTION OF FORT DODGE, IOWA FOR WORK COMPLETED ON THE LANG CREEK CROSSING – PHASE 1A.” Roll Call Vote: Ayes: Elliott, McNaul, Worley, Wilson, White, Witt. Motion carried.

- Review of pay request No. 2 for Wendler Engineering and Construction, Inc. for work completed on the Final Clarifier Trough Replacement Project.

Moved by ELLIOTT, second by WHITE, to approve and adopt Resolution No. 2772: “A RESOLUTION AUTHORIZING PAYMENT OF CONTRACTOR’S PROGRESS PAYMENT NO. 2 IN THE AMOUNT OF \$5,700.00 TO WENDLER ENGINEERING AND CONSTRUCTION, INC. OF SOUTH AMANA, IOWA FOR WORK COMPLETED ON THE FINAL CLARIFIER TROUGH REPLACEMENT PROJECT.” Roll Call Vote: Ayes: Elliott, White, McNaul, Wilson, Witt, Worley. Motion carried.

- Discussion in regard to the issuance of certificates for local known workers

The committee is not willing to have the city perform the required testing to issue the type of journeyman card requested by the local contractors. Neff verified that a number of communities do provide the testing and can issue the card. Neff will be contacting the contractors to report on the research he completed. Wilson commented that if the card will be of benefit to the local contractor, the city should pursue completing the testing. This item will not return to the council unless an alternative is identified.

- Review of the Highway 146 South – 2005 Water Connection Fee Ordinance and the review of the Farmhand Lift Station Connection Fee Ordinance.

Elliott stated that staff continues to develop the maps for the service area and the projected connection fees. She requested that if any member objects to the formulas being prepared by staff, they comment on them prior to the next regular meeting.

- Discussion in regard to water storage impact fees

This item is still under review.

- Discussion in regard to compost site user fees.

Elliott stated that the council needs to address implementation at the next regular session.

C. Report from the Planning Committee.

- Discussion of the Highway 146 corridor long range planning.

This item will remain on the agenda, however is still under development.

- Discussion in regard to the proposed voluntary annexations for Highway 146 South.

Staff updated the committee in regard to the progress made to date.

Worley commented in regard to an inquiry presented by McNaul during the committee meeting. McNaul explained the committee had previously discussed the possibility of having a consultant lead the discussion at the strategic planning session. She stated that she has located a consultant for a fee of less than \$2,000.00.

Moved by MCNAUL, second by WORLEY, to use a facilitator for the strategic planning session with a fee not to exceed \$2,000.00.

Elliott did not feel that a facilitator is needed. McNaul responded that the council needs someone other than city staff to keep the meeting on task. The facilitator also intends to speak with each person prior to the meeting to insure all topics of priority are addressed.

Roll Call Vote: Ayes: McNaul, Worley, Witt, Elliott, Wilson, White. Motion carried.

D. Mayor's Committee Appointment Recommendations:

Moved by WHITE, second by WILSON to approve the Mayor's appointment recommendation of Don Schild to the Human Rights Commission. Roll Call Vote: Ayes: White, Wilson, Witt, Worley, Elliott, McNaul. Motion carried.

Moved by WORLEY, second by WITT, to approve the Mayor's appointment recommendation of Kamal Hamouda to the Human Rights Commission. Roll Call Vote: Ayes: Worley, Witt, Elliott, Wilson, McNaul White. Motion carried.

NEW BUSINESS: None.

SECOND READING OF THE ORDINANCE:

Moved by ELLIOTT, second by WHITE, to conduct the second reading of Ordinance No. 1248: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA BY AMENDING PROVISIONS PERTAINING TO CHAPTER 22, ARTICLE II, SECTION 22-44 (Customer Utility Deposits.)" Roll Call Vote: Ayes: Elliott,

White, McNaul, Wilson, Worley, Witt. Motion carried.

FINAL READING OF THE ORDINANCES:

Moved by ELLIOTT, second by WHITE, to approve and adopt Ordinance No.1242: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA BY AMENDING PROVISIONS PERTAINING TO CHAPTER 13, SECTION 13-506 (FOUR-WAY INTERSECTIONS ENUMERATED; OBSERVANCE) EFFECTIVE DATE MAY 1, 2005." Roll Call Vote: Ayes: Elliott, White, Worley, Witt, McNaul, Wilson. Motion carried.

Moved by ELLIOTT, second by WHITE, to approve and adopt Ordinance No.1243: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA BY AMENDING PROVISIONS PERTAINING TO CHAPTER 13, SECTION 13-504 (ONE WAY STREETS) EFFECTIVE DATE MAY 1, 2005." Roll Call Vote: Elliott, Worley, McNaul, Wilson, Witt, White. Motion carried.

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Ordinance No.1244: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA BY AMENDING PROVISIONS PERTAINING TO CHAPTER 13, SECTION 13-508 (PARKING RESTRICTIONS) EFFECTIVE DATE MAY 1, 2005." Roll Call Vote: Ayes: Elliott, McNaul, White, Worley, Witt, Wilson. Motion carried.

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Ordinance No. 1245: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 13, SECTION 13-503 (ONE-WAY ALLEYS) EFFECTIVE DATE MAY 1, 2005." Roll Call Vote: Ayes: Elliott, McNaul, White, Wilson, Witt, Worley. Motion carried.

Moved by ELLIOTT, second by MCNAUL, to approve and adopt Ordinance No 1246: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA BY AMENDING PROVISIONS PERTAINING TO CHAPTER 12, DIVISION 3 (HOTEL AND MOTEL TAX.)" Roll Call Vote: Ayes: Elliott, McNaul, Worley, Witt, White, Wilson. Motion carried.

APPROVAL AND ADOPTION OF THE RESOLUTIONS:

Moved by WORLEY, second by MCNAUL, to approve and adopt Resolution No. 2774: "A RESOLUTION TO APPROVE IMPROVEMENT PROJECTS AS SUBMITTED FOR PROPERTY AND REQUEST TAX EXEMPTION FOR THIS IMPROVEMENT ACCORDING TO CHAPTER 404 OF THE STATE CODE (John and Elizabeth Westercamp, 728 Pine Valley Drive.)" Roll Call Vote: Ayes: Worley McNaul, Witt, Elliott, Wilson, White. Motion carried.

Moved by WHITE, second by WILSON, to approve and adopt Resolution No. 2775: "A RESOLUTION TO APPROVE IMPROVEMENT PROJECTS AS SUBMITTED FOR PROPERTY AND REQUEST TAX EXEMPTION FOR THIS IMPROVEMENT ACCORDING TO CHAPTER 404 OF THE STATE CODE (Robert and Marrina Kaloupek, 730 Pine Valley Drive.)" Roll Call Vote: White, Wilson, McNaul, Elliott, Worley, Witt. Motion carried.

INQUIRIES: None.

REPORT FROM THE CITY MANAGER:

Behrens reminded the council that the Central Business District bid opening will be held on April 19, 2005 and after the bid opening and award the project will begin moving very quickly. He stated there will be a meeting with Grinnell-Newburg Schools in regard to bike trail, and that Mike Blouin will be visiting Jeld-Wen on the April 25, 2005. The Arbor Lake Committee will be meeting on the April 26, 2005 about the future of Arbor Lake.

EXECUTIVE SESSION:

Moved by ELLIOTT, second by WITT, to enter into executive session at 8:55 pm as provided for by Section 21.5, Code of Iowa, to discuss information regarding pending or possible litigation. This information, if released, would give unfair advantage to others and would serve no public purpose. Roll Call Vote: Ayes: Elliott, Witt, White, McNaul, Wilson, Worley. Motion carried.

Moved by MCNAUL, second by WORLEY, to reopen the session at 9:15 pm. Roll Call Vote: Ayes: McNaul, Worley, Wilson White, Elliott, Witt. Motion carried.

Moved by MCNAUL, second by WHITE, to settle the claim as recommended by the city attorney admitting no guilt or fault not to exceed \$5,000.00. Roll Call Vote: Ayes: McNaul, White, Elliott, Worley, Witt. Nay: Wilson. Motion carried.

Moved by ELLIOTT, second by WORLEY, to adjourn this regular session of the Grinnell City Council at 9:18 pm. Vote: (6) ayes, motion carried.

ATTEST:

Gordon Canfield, Mayor

Cassandra R. Hage, City Clerk